REMARKS

Claims 1 and 6-18 are pending in the patent application. The Examiner has objected to Claim 9 for an informality. Applicant thanks the Examiner for noting the informality and submits an amendment herein to address the objection. Applicant has amended the language of the independent claims, as further detailed below and has added new Claim 19, which parallels Claim 11. Applicant has canceled Claims 16-18. No new matter is added by the amendments.

The Examiner has newly rejected Claims 1 and 6-11 and 16-18 under 35 USC 103(a) as unpatentable over Coffee and has rejected Claims 12-15 as unpatentable over Coffee in view of Boyle.

The present application teaches and claims an apparatus and method for serving data at a portable wireless web server having a processing component, storage component and communications interface operable to enable the web server to send and receive messages on a wireless digital packet network. A method of serving data involves receiving a data request message from a

wireless digital packet network, executing an application at the wireless web server in response to the data request message and transmitting on the wireless digital packet network a response message including data produced by the wireless web server in response to the data request message. The wireless web server and method may also include means and steps for obtaining sensor information, from a local or remote sensor device and for processing the sensor signals (for example, by uploading the sensed information to a remote location). The claims of the present application have been amended to expressly recite the processing component for executing applications at the portable wireless web server (see: original Specification at page 7, lines 14-20). No new matter is added by the amendments.

Applicant respectfully asserts that the Coffee patent publication does not teach or suggest a portable wireless web server comprising a processing component for executing applications (independent claim 1 and claims that depend therefrom). Coffee teaches a network system for tracking remotely-located employees and company assets through wireless communications with wireless

devices, including phones, pagers, tracking devices, etc. Communications from the remotely located wireless devices are received at a wireless gateway 20. As taught in paragraph [0112], "wireless gateway 20 (Fig. 1) consists of wireless network servers and message routers 21". The Coffee remote tracking devices comprise "location aware logic" (see: paragraph [0010] to allow for mapping ([0012]) or other monitoring features (speed, heading, [0015], vehicle state information and equipment activation [0137] and [0235], and built-in self test data [0168]) as well as communication components for sending the monitored data to the Coffee gateway. However, Coffee's remote tracking devices are not wireless web servers since they do not have a processing component for executing applications. Further, the Coffee wireless gateway is not a wireless web server, but is an interface to a network that includes web servers. The Coffee web servers are not portable remote wireless web servers.

As shown in Coffee's Fig. 4, physical connections are made between a message router 36 and the customer interface server (CIS) 29, which is in turn physically connected to the Customer Web Server 22. The web servers

are not communicating wirelessly, but are hardwired to
send communications to other servers and the wireless
gateway.

Applicant reiterates the argument that Coffee
teaches that "the architecture of...21...is shown in
block diagram form in Fig. 3." Fig. 3 shows the gateway
having wireless communications capability as well as
wired communications links (at 61). The software
components in the gateway are message tagging, queuing
and routing applications. The gateway is clearly not a
web server and is clearly connected to provide wired
communications to the web servers.

Applicant further reiterates that Coffee expressly
teaches, at paragraphs [0172-0179], that the CIS server
has a connectivity manager 54 for "providing the
mechanism for TCP/IP connection". Coffee explicitly
states earlier in the patent publication, at paragraph
[0132], that TCP/IP "is not an efficient protocol for
wireless systems". Coffee expressly teaches that the web
server communications are not appropriate for wireless
transmissions. Further, Coffee expressly teaches that
the communications between the web servers and the

wireless gateway are not wireless communications. The wireless gateway communicates wirelessly with the tracking subsystem, but is hardwired for communications with the servers.

For a determination of obviousness, the prior art must teach or suggest all of the claim limitations. "All words in a claim must be considered in judging the patentability of that claim against the prior art" (In re Wilson, 424 F. 2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). If the cited references fail to teach each and every one of the claim limitations, a *prima facie* case of obviousness has not been established by the Examiner. Since the Coffee patent publication does not show each and every feature of the claimed system including a portable wireless web server comprising a processing component for executing applications (Claim 1 and dependents), a *prima facie* case of obviousness cannot be sustained.

With specific reference to the language of the method claims, Coffee does not teach a method of serving data from a portable wireless web server having a web server component comprising a processing component for

executing applications and for generating internet messages, at least one storage location for storing applications and data and a wireless communications interface operable to convey internet messages to and from the web server using a wireless digital packet network, the method comprising steps of receiving a data request message from a wireless digital packet network, executing at least one application at the processing component of the portable wireless web server component in response to the data request message and transmitting on the wireless digital packet network a response message including data produced by the wireless web server in response to the data request message.

Coffee does not teach or suggest that server requests be communicated to the remote devices. The remote devices are not capable of server application processing. Moreover, even if the wireless gateway of Coffee polls a remote device for location information, the remote device is not executing a server application. In rejecting Claim 12 and the claims which depend from Claim 12, the Examiner has acknowledged that Coffee does not teach signaling. The Examiner cites the Boyle patent

as disclosing signaling comprising receiving a data request message, requesting date from the web server component, and transmitting a response message. Applicant has amended the claim language to expressly recite the step of executing an application at the processing component of the wireless web server (see: Specification at page 7, lines 14-20). Applicant has also added Claim 19, paralleling Claim 11 which recites receiving signals from sensors and processing the signals (see: page 8, lines 11-23). Neither Coffee nor Boyle teaches or suggests the processing steps as claimed.

The Boyle patent teaches a link station for directly connecting to the server and for wirelessly communicating with the gateway and/or handheld devices to communicate server information thereto. The Boyle patent is directed to methods for pushing and pulling data in a computer network. Data are pushed from a source to a destination via an intermediate computer system. With reference to Fig. 1, the intermediate computer system, link station 124, relays a user request to a server 130.1 and then transmits the server response to the user, directly to handheld device 120.2 or through a gateway 126 of a

wireless network 125 to handheld device 120.1. The link station provides a browser proxy function and a messenger function for handling the communications (i.e., requests and responses). Clearly, Boyle is not teaching the steps which are missing from Coffee.

Applicant reiterates that an obviousness determination "must be based on objective evidence of record" and that "this precedent has been reinforced in myriad decisions, and cannot be dispensed with." (In re Lee, 277 F. 3d 1338, 1343 (Fed. Cir. 2002)). Moreover, the Federal Circuit has stated that "conclusory statements" by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved "on subjective belief and unknown authority" (Id. at 1343-1344).

It is well settled that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336, quoted with approval in KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1741, 82

USPQ2d 1385, 1396 (2007). The Examiner has reached a conclusion of obviousness but has not established a *prima facie* case of obviousness.

Based on the foregoing, Applicant respectfully requests that the rejection based on 35 USC § 103 be withdrawn and that Claims 1 and 6-18 be passed to issuance.

Respectfully submitted,
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